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February 24, 2022

ECF

The Honorable Loretta A. Preska, U.S.D.J.
United States Courthouse
500 Pearl Street, Room 2220
New York, New York 10007

Re: *Amy Miller v. Levi & Korsinsky, LLP, Eduard Korsinsky and Joseph Levi*
Civil Action No. 1:20-cv-01390-LAP-BCM
Defendants' Response Concerning Pre-Motion Conference

Dear Judge Preska:

On behalf of Defendants Levi & Korsinsky, LLP ("L&K"), Eduard Korsinsky ("Korsinsky") and Joseph Levi ("Levi") (collectively, "Defendants"), we write in response to the February 22, 2022 letter filed by Plaintiff Amy Miller ("Plaintiff"), requesting a conference concerning subpoenas served on Bruce Litvin and Windsor Consulting, Inc. (Dkt. No. 67).

Promptly after receiving notice of Plaintiff's surprise request for a Court conference, filed shortly before midnight on February 22, Defendants emailed Plaintiff the following morning, informing her they do not seek enforcement of the subpoenas. (A copy of the February 23 email is attached hereto as Exhibit 1). Notwithstanding the merit and validity of the subpoenas seeking documents relevant to Plaintiff's job searches spanning eight months of her L&K employment, and Plaintiff's inaction after receiving notice of the subpoenas on December 21, Defendants expressed again to Plaintiff their belief, as stated in the parties' February 16 joint letter to the Court (Dkt. No. 66), that the record is sufficient for summary judgment, obviating Defendants' pursuit of the subpoenas. Defendants already have obtained sufficient evidence of Plaintiff's questionnaire response to a prospective employer concerning non-discriminatory reasons for her employment termination, her shopping of cases and clients and disclosure of L&K associate and other confidential information to other law firms in furtherance of her job search, and her maligning of Defendants during her job search, such that enforcement of the subpoenas is not necessary. Had Plaintiff pursued a conventional meet and confer before imposing on the Court, Defendants would have assured that Plaintiff knew they have not pursued the subpoenas and do not seek enforcement of the subpoenas based on the sufficiency of the record.

Despite her receipt of Defendants' February 23 email and other knowledge of Defendants' position, Plaintiff still has not withdrawn her unnecessary request concerning the resolved

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subpoenas. In accordance with their position, Defendants have given notice to Mr. Litvin and Windsor Consultants that the otherwise valid subpoenas are withdrawn and will not be enforced. (*See* letters to Bruce Litvin and Windsor Consulting, Inc., attached hereto as Exhibits 2 and 3, respectively).

Respectfully submitted,

/s/Allen B. Roberts

Allen B. Roberts

Enclosures

cc: All counsel of record via ECF